IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 3618 OF 1986

CANARA BANK ... PLAINTIFFS

Vs.

MESSRS AMIT TOOLS (INDIA) PVT.LTD.

& Ors. ... RESPONDENTS

Mr. Rajesh Maravoor i/b. Maravoor Wamorkar & Co. for Plaintiffs.

None for defendants.

CORAM: S.K.SHAH,J.

DATE : 4th May,2006.

P.C.

1. The suit is filed against the defendant No.1 Company and Defendants Nos. 2 and 3 who are Directors of the Defendant No.1 Company as also the guarantors. The Defendants have failed to file the written statement. Nobody is appearing for the defendants.

2. The plaintiffs have filed documents in support of their claim. The defendants had taken cash credit/temporary advance facility. From time to time,

the defendants have withdrawn the amount under this facility on their account. A sum of Rs.1,14,850.93 remained unpaid balance on their account. The defendants failed to pay the same despite their notice of demand dated 12.9.1986. Hence, the plaintiffs filed the suit.

3. This facility was taken by the defendants from Laxmi Commercial Bank Ltd. which has now been amalgamated with the Plaintiffs - Canara Bank under a Government Notification dated 23.8.1985. Therefore, the plaintiffs have filed the suit.

4. In support of their claim, the plaintiffs have filed the Notification dated 23.8.1985, Hypothecation/Instrument Agreement dated 26.12.1983 executed by the defendants in favour of Laxmi Commercial Bank Ltd. The plaintiffs have also produced the letter of guarantee dated 22.3.1980, another letter of guarantee dated 15.6.1981 duly executed by the defendants nos. 2 and 3. They have also produced balance confirmation letter dated 31.12.1982 at Exhibit "E". By letter dated 12.9.1986 produced at Exhibit "F" demand was made on the defendants to pay the amount. The plaintiffs have also produced the extract of account of the defendant company. It shows the amount of Rs.1,05,589 payable

by the defendants to the plaintiffs as on 15.6.1986. From these documents, the plaintiffs' claim is established. The amount claimed is Rs.1,14,850.93 inclusive of interest on the amount due.

5. The plaintiffs' suit is decreed. The defendants shall jointly and severally pay to the plaintiffs Rs.1,14,850.93 ps. with interest on Rs.1,11,053.80 ps. at the rate of 14% per annum from the date of the suit till realisation of the full amount. The defendants shall also pay costs of the suit.

Decree be drawn accordingly.

(S.K.SHAH,J.)